

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

PAMELA TERRELL,

Plaintiff,

v.

**BALL'S FOOD STORES, INC. d/b/a PRICE CHOPPER
and
FOUR B CORP. d/b/a PRICE CHOPPER,**

Defendants.

Case No. 4:22-cv-602

NOTICE OF REMOVAL

COMES NOW the defendant, Four B Corp. d/b/a Price Chopper, and pursuant to 28 U.S.C. §§§ 1441, 1446 and 1332(a), hereby removes the above-captioned and numbered cause to the United States District Court for the Western District of Missouri – Western Division. In support of said removal, Defendant states:

1. The Petition for Damages filed by plaintiff Terrell against defendant Four B Corp. in the Circuit Court of Clay County, Missouri, is attached as Exhibit "A" hereto.
2. On behalf of the Defendant, the undersigned defense counsel, as registered agent for Four B in the state of Kansas, agreed to accept service of Plaintiff's Missouri lawsuit on August 22, 2022. See Exhibit "B" attached hereto. The instant Notice of Removal is filed within 30 days of the date of the agreed service and, accordingly, the instant Notice of Removal is timely filed.
3. The undersigned defense counsel entered his appearance on behalf of defendant on September 21st, 2022. See Exhibit "C" attached hereto.

4. Plaintiff's Petition states that she is an individual resident and citizen of Martinsburg, West Virginia. Plaintiff's Petition, Ex. "A", at ¶ 1. Defendant Four B Corp. is a Kansas corporation and is therefore considered a citizen of that state under 28 U.S.C. § 1332(a).

5. In addition to diversity of the parties, the \$75,000 jurisdictional threshold set forth in 28 U.S.C. § 1332(a) is met. Plaintiff's Petition indicates she is seeking from defendant an "amount that will fairly and reasonably compensate plaintiff for her damages, for her costs incurred herein, and for such further relief as the Court deems just and proper under the circumstances of this case." See Plaintiff's Petition, Exh. "A" at WHEREFORE paragraph. In addition, the undersigned defense counsel has specifically confirmed with Plaintiff's counsel that she is claiming in excess of \$75,000 in damages (Exh. "B").

6. This Court has jurisdiction over the matter pursuant to 28 U.S.C. § 1332(a), Diversity of Citizenship, and pursuant to 28 U.S.C. § 1446 because removal has been timely made.

WHEREFORE defendant Four B Corp. hereby removes this matter to the United States District Court for the Western District of Missouri – Western Division.

Respectfully submitted,

LUDER & WEIST, LLC

By: /s/ Robert J. Luder

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**ATTORNEYS FOR DEFENDANT
FOUR B CORP. d/b/a PRICE CHOPPER**

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of September, 2022, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

James M. Roswold, Esq.

John K. Thomas, Esq.

Phillip B. Grubaugh, Esq.

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ATTORNEYS FOR PLAINTIFF

/s/ Robert J. Luder _____

Attorney